

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL BROWN, SR., et al.,

Plaintiff,

v.

CITY OF FERGUSON, MISSOURI, et al.,

Defendants.

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No. 4:15CV00831 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs’ Motion to Amend Protective Order [ECF No. 116]. Plaintiffs seek to amend the protective order to allow for additional attorneys to review the confidential information and to add language regarding the creation of redacted versions of documents. Defendants do not oppose the motion but St. Louis County Office of the Prosecuting Attorney (“Prosecuting Attorney’s Office”) and St. Louis County Police Department (“Police Department”) oppose the motion.

The parties, Prosecuting Attorney’s Office, and Police Department participated in drafting the detailed protective order the Court entered in this matter. Each party had every opportunity to offer suggestions for changes. Three proposed protective orders were submitted to the parties for comments and suggested changes before the Court entered the final order. One change proposed by Defendants was to allow for additional staff members and attorneys to have access to the Confidential Information, which the Court rejected. The Court concluded the Confidential Information was critical to both Plaintiffs’ and Defendants’ cases. The Prosecuting Attorney’s Office and Police Department, who strenuously objected to the release of any material, will be promptly producing Confidential Information under the strict conditions

specified in the protective order. The Court will not now amend the protective order to allow Plaintiffs to have additional attorneys with access to the Confidential Information.

The parties are permitted to gain access to vast amounts of information through the efforts of the Prosecuting Attorney's Office and various law enforcement organizations because of the protective order. This information is highly sensitive, and in drafting the protective order, the Court balanced the needs of the parties to have access to this information with the risks of inappropriate disclosure. The Court will not increase the risk of improper disclosure of Confidential Information by granting the relief requested.

There is an insufficient showing as to why the protective order should be modified or as to how any party will be prejudiced by foreclosing additional access to the Confidential Information. Further, the Court does not see the need to add the requested language regarding the creation of redacted documents. Should the parties desire to create redacted documents differently than the redacted documents created by the Police Department and Prosecuting Attorney's Office, the parties should file a motion with the Court.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Amend Protective Order [ECF No. 116] is **DENIED**.

So Ordered this 23rd Day of August, 2016.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE